

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 8295
Gary Karlin Michelson)	
Serial No.: 09/921,844)	Group Art Unit: 3738
Filed: August, 3, 2001)	Examiner: Bruce Edward Snow
For: SPINAL IMPLANT SURFACE)	
CONFIGURATION)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The present application is a division of Application No. 09/457,228, now U.S. Patent No. 6,827,740. U.S. Patent No. 6,827,740 is also the parent of Application Nos. 09/921,851, now U.S. Patent No. 7,166,129, 10/683,071 (U.S. Patent Publication No. 2004/0117018), and 09/572,518, now U.S. Patent No. 7,115,143. U.S. Patent No. 7,115,143 is the parent of Application Nos. 10/697,835, now U.S. Patent No. 7,244,275, and 10/808,852, now U.S. Patent No. 7,051,417.

Applicant also brings to the attention of the Examiner the file history (the Office Actions and responses) of each of the submitted patents and applications. While the individual Office Actions and responses are not attached hereto, they are available in each of the file wrappers in the Patent Office, through PAIR, or will be provided by Applicant at the Examiner's request.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

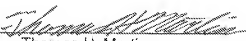
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 25, 2010

By: 
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030